

THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION NO.14805 OF 2004

Dated: 3rd October, 2005.

Between:

Syed Karamat, S/o. Late Syed Mohiddin,
Aged 45 years, Business, R/o. D.No.22-12-163,
Lalapet, Guntur. ... Petitioner

And

1. The Superintendent of Police, Guntur,
Guntur District and others. ... Respondents

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ORDER :

This writ petition is filed seeking a direction to the respondents to close the rowdy-

sheet opened against the petitioner in the Law & Order P.S., Lalapet, Guntur.

The petitioner states that he is residing at Guntur and running a cut-pieces shop. It is stated that he was falsely implicated in Cr.No.75/94 of Lalapet Law & Order P.S., Guntur town along with 9 others, which was tried as Sessions Case No.465 of 1996 on the file of IV-Addl. District & Sessions Judge, Guntur for the offences punishable under Sections 147, 148, 302 read with Section 149 of I.P.C. The said case ended in acquittal by Judgment dated 8-9-1997. During the pendency of the said case, a rowdy-sheet was opened against him on 1-2-1996 along with the other accused in Cr.No.75 of 1994. It is pleaded that thereafter he was not involved in any criminal case. However, the rowdy-sheet opened against him is being continued mechanically even after his acquittal in S.C.No.465 of 1996. He made several representations on 15-4-2002, 10-5-2004 and 10-7-2004 requesting the 1st respondent – Superintendent of Police to close the rowdy-sheet. As a matter of fact, three persons who were also shown as accused along with the petitioner in Cr.No.75 of 1994 and against whom rowdy-sheets were continued even after their acquittal filed W.P.Nos.23225, 23797 and 23898 of 1999 and all the said writ petitions were allowed by this court directing the respondents to close the rowdy-sheets against the petitioners therein. Though the petitioner is also similarly placed, the respondents failed to consider his request to close the rowdy-sheet. Hence, this writ petition.

The Assistant Sub-Inspector of Police, Lalapet P.S., Guntur filed a counter-affidavit, dated 28-9-2004 on behalf of the respondents stating that the rowdy-sheet against the petitioner was renewed upto 31-12-2004. It is further stated that on credible information about the petitioner that he and his associates are collecting money from passersby and also threatening with dire consequences at Kings Hotel Centre, Lalapet Police Station limits during nights and causing much inconvenience to the public, the respondents herein are always watching the movements of the petitioner. Though the averments of the petitioner that he is a law abiding citizen and that he is not involved in any of the crimes is denied, the counter-affidavit is silent about any other crimes pending against the petitioner nor with regard to his involvement in any other specific offence.

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The Apex Court as well as this Court on a number of occasions held that rowdy-sheets cannot be opened against any individual in a casual and mechanical manner and that dubbing a person as a habitual offender and to open a rowdy-sheet is not sufficient. The Courts have reiterated the principle of law that the important element that has to be seen to continue a rowdy-sheet is whether the acts committed by a person will have a tendency to disturb public peace and tranquility. In *EJAZ vs. GOVT.OF A.P.* this Court having considered the scope of Standing Order No.742 of A.P. Police Standing Orders held that surveillance and monitoring the movements of persons against whom a rowdy-sheet is opened should be proportionate and commensurate to reasonable apprehension and with a view to prevent commission of a crime which may result in breach of peace. Similar view has been expressed in *MOHD. QUADEER vs. COMMISSIONER OF POLICE*. In *S. SATYANARAYANA vs. STATE OF A.P.* having reviewed all the relevant cases with regard to opening and retention of history-sheets / rowdy-sheets the principles of law have been enumerated in detail. A Division Bench of this Court in *PUTTAGUNTA PASI vs. COMMISSIONER OF POLICE* held that rowdy-sheet cannot be opened in a mechanical manner and that mere figuring of name of a person in two crimes is not sufficient to hold him a habitual offender.

In the case on hand, the specific case of the petitioner is that the rowdy-sheet was opened against him long back on 1-2-1996 during the pendency of the proceedings in pursuance of Cr.No.75 of 1994 which ultimately ended in acquittal by Judgment in S.C.No.465 of 1996. After that, no crimes have been registered against him. However, the rowdy-sheet opened against him is being continued mechanically even after his acquittal in S.C.No.465 of 1996. He made several representations on 15-4-2002, 10-5-2004 and 10-7-2004 requesting the 1st respondent – Superintendent of Police to close the rowdy-sheet.

In spite of several opportunities afforded, the learned Government Pleader failed to produce the relevant record to show that the petitioner is involved in any

other offence. No other material is placed before this Court to show that he is a habitual offender nor to show that the rowdy-sheet has been renewed beyond 31-12-2004.

In the circumstances, and following the decision of this Court in W.P.No.23225 of 1999, which was filed by one of the accused in Cr.No.74/1998 in which this Court having taken into consideration all the facts and circumstances which are identical to the case on hand held that the continuance of the rowdy-sheet against the petitioner therein was not in accordance with law, I am of the view that this writ petition deserves to be allowed.

Accordingly, the Writ Petition is allowed and the respondents are directed to close the rowdy-sheet against the petitioner, if not already closed. No costs.

3rd October, 2005.

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